

**REMARKS**

Favorable consideration of this application is respectfully requested in view of the above amendment and the following remarks. Entry of the amendment and supplemental information statement are respectfully requested.

Claims 1-6, 8, and 10-15 are pending in the application. Claims 10, 11, 14 and 15 remain withdrawn. Claims 1-5, 8 and 12 have been rejected. Claims 6 and 13 have been objected to. Claim 1 has been amended. New claims 16-17 have been added. Support for the subject matter in new claims 16-17 can be found in originally filed claim 6 and in the specification, e.g., page 5, lines 22-23 and page 11, lines 9-12. It is submitted that no new matter has been added.

Claims 1-6, 8, 12 and 13 remain objected to for containing non-elected subject matter. The Examiner contends that the non-elected subject matter consists of compounds of Formula I that are not the elected species.

In response, at this stage of prosecution Applicants refrain from amending the claim to delete non-elected subject matter.

Claims 1-5, 8 and 12 remain rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement.

In response, to facilitate prosecution claim 1 has been amended to delete the term “or cycloalkyl” for the definition of R3 and R4. In addition, claim 1 has been amended to recite that “R<sub>3</sub> together with R<sub>4</sub> and the N to which they are bonded form a 4-8 membered ring piperidine, pyrrolidine, morpholine or thiomorpholine, optionally substituted with OH, (C<sub>1-4</sub>)alkyl, (C<sub>1-4</sub>)alkyloxy, (C<sub>1-4</sub>)alkyloxy- (C<sub>1-4</sub>)alkyl, or halogen.”

In view of the above, withdrawal of the rejection of claims 1-5, 8 and 12 under 35 U.S.C. §112, first paragraph, is respectfully requested.

Claims 1-5, 8 and 12 have been provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-5, 8 and 9 of application ser. no. 11/506,579.

In response, Applicants request that this rejection be held in abeyance until indication by the Examiner that the pending claims are otherwise allowable.

A good faith effort has been made to place the present application in condition for allowance. If the Examiner believes a telephone conference would be of value, she is requested to call the undersigned at the number listed below.

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Respectfully submitted,

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